

2-13-2002

Hastings Law News Vol.32 No.5

UC Hastings College of the Law

Follow this and additional works at: <http://repository.uchastings.edu/hln>

Recommended Citation

UC Hastings College of the Law, "Hastings Law News Vol.32 No.5" (2002). *Hastings Law News*. Book 240.
<http://repository.uchastings.edu/hln/240>

This Book is brought to you for free and open access by the UC Hastings Archives and History at UC Hastings Scholarship Repository. It has been accepted for inclusion in Hastings Law News by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.



Volume 32, Issue 5
February 13, 2002

HASTINGS LAW NEWS

IF THERE IS TO BE A HASTINGS COMMUNITY, THE STUDENTS MUST HAVE A VOICE

Adachi & Burton Come Out Swinging

Debate Showdown Between Hastings Alums For Public Defender's Office



Kimiko Burton and Jeff Adachi Debate at UC Hastings on Tuesday, February 5, 2002.
(Photo by Fran Marsh)

by Mieke Eoyang, 3L and Michael Dundas, 2L

Kimiko Burton, the incumbent Public Defender, and Jeff Adachi, her opponent, faced off last Tuesday evening at Hastings. The over-capacity crowd (estimated over 600) packed into the Louis B. Mayer Lounge, spilling out into the lobby, to hear the third debate between the two candidates. The students and members of the community at large at-

tended the debate to hear the two candidates tear into each other.

The conflict began when the previous Public Defender, Jeff Brown, resigned to accept an appointment to the Public Utilities Commission. Mr. Adachi had served in the public defender's office for fifteen years, first as a deputy public defender, and later as the Chief Attorney in the office. Mr. Adachi was commonly regarded as Jeff Brown's handpicked successor. However, when the time came to fill the post, Mayor Willie Brown appointed Ms. Burton, in what some say was a political favor to her father, California State Senator, John Burton. In one of her first acts as public defender, Ms. Burton fired Mr. Adachi, sending a messenger to his house with a pink slip.

On first blush, these two candidates seem remarkably similar—both are Democratic Asian-American graduates of Hastings who served in the Public Defender's Office. Both

candidates support programs to prevent juvenile recidivism. Both candidates have increased diversity in the Public Defender's office. But the personal animosity between the candidates is divisive.

Before the debate began, Adachi supporters brought a life-size cutout of the Mayor holding a Burton campaign sign saying, "Vote for my goddaughter, you know the drill . . .," which they attempted to put in front of the glass doors on the beach. When told that the sign was not permitted on school property, the supporters claimed the protections of the First Amendment. Upon the request of David Seward, the Chief Financial Officer of Hastings, they removed the cutout to the street corner at Hyde and McAllister.

Each candidate gave an opening statement, then responded to sixteen questions, ten from the moderator, and six chosen from questions submitted by the audience on note

cards. At the end, each candidate gave a four-minute closing statement.

The debate was moderated by Professor Rory Little, a former federal prosecutor. Professor Little cautioned the audience at the beginning that waiving signs would not be appropriate and had to remind the audience repeatedly not to interrupt the debate with applause or catcalls. Despite the reminder, many in the audience continued to applaud loudly or hiss, depending on their political preference.

Little started the debate with a quote from Winston Churchill. "The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of any country. A calm dispassionate of the rights of the accused and even of the convicted criminal against the state is a treasure if only you can find it in the heart of every man."

Ms. Burton gave her introductory remarks first, highlighting her San
See Debate..... Page 3

WHAT'S INSIDE:

- PAGE 2 SPORTS LAW-CONTINUED
- PAGE 5 THREE STRIKES RULING
- PAGE 6 CABARET PICTURES
- PAGE 7 ROBBIN' THE NAIL
- PAGE 8 A&E/"TASTE"
- PAGE 11 EDITORIAL/OPINION

So You Want to be Sports Lawyer. . . (Part 2)

by Aaron J. Sobaski 2L

This is the second half of an article that first ran in the December issue of the Law News. Last's months section included an introduction to general sports law, which broke down the law into five groups or classifications. The December article also included a discussion of the first group, sports agents and agencies. The rest of the groups are discussed below.

Group #2 - Professional Teams

Attorneys in the remaining groups are much like attorneys in any industry. However, it is valuable to know some of the unique aspects that their particular sports law jobs offer. The biggest misconception in the team area of sports law is that all teams have lawyers in house. That simply is not the case. Here in the Bay Area, we have a range from three attorneys at the Raiders (Two in the legal department plus the team president) to the NBA's Golden State Warriors who have no attorneys on staff. What the general public fails to comprehend is that professional sports teams are in essence small companies. They have a few hundred employees at most and have revenue that pales in comparison to any Fortune 500 company. Like a

business of any size they do have a need for legal counsel. While some teams chose to go the Warriors route, most have at least one general counsel (GC) to manage their legal affairs.

The GC has to be a legal Jack-of-all-trades to deal with the myriad of issues that inevitably arise. The GC works with the league and union to interpret the collective bargaining agreement and handle disputes that arise between the players and the team. (As mentioned before most collective bargaining agreements require disputes be settled through arbitration.) The GC also works with the merchandising arms of the leagues on licensing and trademark issues. They work with the league on antitrust and copyright issues. They work with government agencies and stadium managers on issues ranging from ADA compliance to long-term leases. They work with their teams marketing department on complex sponsorship deals. They even might deal with an individual player's legal issues if that player's agent is unable to. You get the point, anything can and will come up at some point, and the GC must be able to provide advice to the president and owners of their team.

If outside counsel is called for, the GC will find a firm to handle the matter. They will then work with the

partners and associates of the firm just as any corporate GC would. In that sense, working in-house with a team (or any other area of sports for that matter) is no different than being in-house anywhere else. While some firms may have experience with sports law, the GC has to provide insight into the sports industry much like the GC of Pepsi would provide insight on the soft drink industry to their outside counsel.

Like any dynamic industry, the teams may find themselves working with business partners on one issue and against them on another. For example, a

team might be involved in a suit against their league regarding a television contract (The NBA and Chicago Bulls were adversaries in a suit over broadcasting of games on a nationwide superstation), and be on the same side in a trademark dispute (NBA and Bulls often on same side of trademark prosecutions against counterfeit merchandisers). Therefore, the GC must have good people skills because this morning's opponent might be this afternoon's ally.

However, those people skills are not needed during player contract negotiations. While a GC may assist the general manager (GM) of the team with certain appendices or language in a contract, they do not deal with player personnel matters. (GM's are usually ex-players or coaches, and often have vast experience in the performance side of the sport.) Some teams may have their GC do their negotiations (the Utah Jazz have an LA firm handle all of their legal matters including player contracts), but they are exceptions to the rule.

Another area where GC's for sports teams are like GC's for other corporations is in lifestyle. You don't have to keep up your billable hours, and you don't get 2:00 am phone calls like an agent might. You do not get the salary of a partner in a large firm or a very successful agent, but you do get some perks like tickets and discounted merchandise. That is not much

different from any corporation though. Many companies give their employees free tickets and any retailer offers its employees a discount. The GC's I work with tell me the biggest perk to them, and what makes their job so great, is that they are combining their love of sports with their love of law. That characteristic is found throughout sports law, and provides attorneys in the field more satisfaction than many other lawyers can claim from their

industries.

Group #3 - Leagues and Unions

Lawyers in the third group have a lot in common with lawyers for teams and other non-agent sports lawyers. As I mentioned they

often work together on issues. This makes sense considering the fact that leagues are set up by the teams to coordinate operations. While a team's GC handles issues relating to their team, the league attorneys handle issues relating to all of the teams. They deal with copyright law working on broadcasting rights deals on behalf of the teams. They handle trademark licensing issues while securing merchandising agreements for the teams, and then handle enforcement of those marks. In non-team sports they deal with the individual event organizers on the above matters as well as ensure league specifications are met. They work with government agencies on issues ranging from antitrust regulation to stadium financing. They enforce league wide policies set up collectively by the teams. Last but definitely not least, league attorneys serve as the teams' bargaining arm when dealing with the players' associations. Once those collective bargaining agreements are completed, the league attorneys continue to work with the unions on issues like licensing of player likenesses and player disputes with the teams. For example, in the NFL, the league attorneys litigate player disputes before the arbitrator on behalf of the teams. Union attorneys deal with the same legal issues any labor lawyer would. Besides collective bargaining,

A team's General Counsel has to be a legal Jack-of-all-trades to deal with the myriad of issues that inevitably arise.

Hastings Law News

If there is to be a Hastings community, the students must have a voice.

Editor-In-Chief
Business Director
Copy Editor
Arts & Entertainment Editor
Photography Editor

Michael Dundas, 2L
Alex Sood, 2L
Sarah Peterman, 2L
Brooke Goolsby, 2L
Reichi Lee, 2L

Editorial Policy Statement

The *Hastings Law News* is the monthly student newspaper of the Hastings College of the Law. Signed opinion/commentary articles, when clearly marked as such, represent the opinions the writer and not that of the College or the *Law News*. Nothing in these should be construed as the opinion of the College or any of its officials.

News, feature and opinion articles are accepted from the community at large as well as students, but publication cannot be guaranteed. Prospective opinion writers need to contact the editor-in-chief. The *Law News* welcomes letters to the editor. SIC drop letters to the *Hastings Law News* folder or send an email to lawnews@uchastings.edu. Letters must be signed and include the writer's phone number. Materials should be submitted on disk, in Word. Long letters may be edited. All submissions are copyright the date of publication by the individual contributor. Requests that names be withheld will be considered, but anonymous letters will not be printed. Advertisements are accepted at the address below. Rates upon request.

Hastings Law News
200 McAllister Street
San Francisco, CA 94102
lawnews@uchastings.edu
(415) 565-4786

From Dialogue Comes Truth

See Sports..... Page 4

Debate.....From Page 1

San Francisco roots. She was raised, and currently lives, in Potrero Hill. She highlighted her ability to bring in money for Public Defender programs and her long advocacy of juvenile justice issues. Mr. Adachi opened his remarks speaking of the fifteen years that he was in the office and his experience in litigating cases. He spoke of his management experience as the Chief attorney before firing the opening salvo in bashing Ms. Burton's appointment.

Professor Little opened with a series of questions about juvenile justice. Ms. Burton spoke of her advocacy of juvenile justice programs while she was on the Mayor's Criminal Justice Council, funneling \$46 million into those programs and the offices' current efforts. The two candidates addressed the need to refurbish the Youth Guidance Center—a task not directly within the Public Defender's role, but affecting their ability to manage defense of youths.

The debate then turned to the financial management of the office. When Ms. Burton took over the office, she hired a financial manager with no legal experience. Mr. Adachi criticized the decision, claiming that the salaries paid to the financial managers would be better spent hiring more attorneys. Ms. Burton responded that the Public Defender's office had been the only city agency without financial expertise, and that a budget of \$13 million deserved greater fiscal expertise.

The candidates then responded to questions about their campaign finances. The two candidates had agreed to abide by voluntary spending caps of \$175,000 at the start of the campaign. Ms. Burton accused Mr. Adachi of intending to violate the caps, as he had raised money in excess of the spending caps, and was continuing to solicit funds. Mr. Adachi did not respond directly, preferring to first address Ms. Burton's campaign war chest of over half a million dollars and the independent expenditures, or soft money, spent on Ms. Burton's

behalf that would not be counted toward the spending cap limits. When Ms. Burton directly asked Mr. Adachi

Willie Brown were raised. Ms. Burton tried to downplay her father's efforts on her behalf by equating them with

two candidates an opportunity to address questions to each other. Ms. Burton asked Mr. Adachi why he was attacking the "Brown machine" when he had previously donated money and appeared in commercials for the Mayor. She wondered if Mr. Adachi's criticisms of "machine politics" would be the same if he had been the appointed Public Defender. Mr. Adachi responded that he had previously helped the Mayor because he had felt beholden to political forces, but that he had learned his lesson and "would not make that mistake again."

The office of the Public Defender represents indigent defendants in criminal cases. The Supreme Court, in *Gideon v. Wainwright*, found that the Sixth Amendment to the Constitution requires that every criminal defendant has the right to assistance of counsel, and if the defendant is too poor to afford an attorney, one will be provided for her. San Francisco is one of two cities in the United States that fulfills this role by having an elected Public Defender. The office currently employs 80 attorneys and represents over 20,000 people each year with a budget of \$13



Professor Little Leads the Debate and the Audience and Television Cameras Look On. (Photo by Fran Marsh)

about his willingness to abide by the spending cap he responded, "I thought I already did. If it's not clear, my opponent (Burton) is already way over the spending cap. It is easy to say you will not spend money when there are people out there spending soft money for you." In the end, Adachi never directly answer the question.

When asked about campaigning in the office, both candidates pledged that any public defender would not be punished for vocally supporting the opposing candidate. They further pledged that no campaigning would occur inside the PD's office.

There were a number of times during the debate when the "influence" of Ms. Burton's father and Mayor

Tom Ammiano's efforts for Adachi. "My father has not threatened anybody. [All he is doing is] calling people saying 'hey if you like me, I want you to vote for this guy. If you don't vote for this guy, I might be a little upset

**Don't Forget to Vote on
March 5, 2002!!!!
Along with the Public
Defender's office there will
be other state and city
officials, as well as a
number of important bond
measures and propositions.**

with you." Adachi responded by saying, "I don't have anything in rebuttle."

Professor Little also gave the

million. The election for Public Defender will be on March 5, 2002 so don't forget to vote.

Sports.....From Page 2

this includes licensing, pension management and agent certification. Union attorneys work extensively with agencies since they both work on behalf of the athletes.

While league attorneys are similar to team lawyers in the breadth of legal issues they deal with, they differ in number. The leagues are set up to handle most of the potential large legal issues that might arise so the teams do not have to. This requires leagues to staff small armies of lawyers. They are nowhere near the size of large firms, but compared to all other groups of purely sports lawyers, they make up the largest group. It is telling to note that of the big four major sports leagues in the U.S., three (NBA, NHL, NFL) have commissioners who were partners in large law firms before their current positions.

The lifestyle of a league attorney falls between a team GC and a big firm corporate attorney. Like a lawyer in a firm they can work long hours and be constantly surrounded by other attorneys. Like a team GC they don't get paid like partners in big firms but do get some perks. (Unless they are the commissioner who gets millions of dollars a year in salary.) If you want to work for a league or union you better like the east coast lifestyle, since they are mostly located out there.

Group #4 - Amateur Sports

Attorneys who work with amateur sports

deal with many of the same issues I have already discussed, but also have unique responsibilities that attorneys in professional sports do not. The best example is the vast array of

lawyers who deal with Title IX (gender equity) issues. Lawyers for the athletic federations that run the numerous Olympic sports deal with the international regulations that govern their particular sport. They have to be well versed in international diplomacy aside from their legal knowledge and skill. Colleges and universities have attorneys who work with the NCAA and its vast legion of attorneys to ensure the athletic programs are compliant with the myriad of rules that govern

intercollegiate athletics. Both of these examples illustrate how more than anything, lawyers in the field of amateur sports deal with statutory interpretation. In their case, the statutes are promulgated by their governing organizations like the IOC and NCAA.

While amateur sports may bring to mind non-commercial athletic activities, such is not the case in this day and age. It is beyond reality to think of college football or the Olympics as non-commercial. To that end, lawyers will deal with many of the same copyright, trademark, and other commercial law issues that attorneys in professional sports do. For example, in-house counsel for the major sports conferences like the PAC 10 may work with television networks like Fox Sports to hammer out a broadcasting rights agreement. Lawyers for a collegiate athletic department such as the University of North Carolina will deal with licensing the school's marks to a merchandiser like Nike. Amateur sports, like professional sports have become a big business, and their legal needs have changed accordingly.

Aside from the unique aspects of the particular sport, attorneys in amateur sports have a similar lifestyle to other sports lawyers. The perks are different, the subject matter is different, but the essence of the job is the same as working for a professional league, union, or team. Like those

jobs, the pay is generally not on par with big firm salaries. Like those jobs the attorneys involved in amateur sports do their job not for the money, but instead out of their dual passion for their sport or univer-

sity and the law.

Group #5 - Lawyers in tangential corporations

Attorneys who work either for large firms or in-house with corporations involved in some way with professional sports can also be considered sports lawyers. Some large firms have dedicated practice groups that handle sports law matters. Proskauer Rose LLP is the outside counsel for the NBA and NHL. (The commissioners of those two leagues

were partners at Proskauer.) Some firms handle particular matters for teams or leagues. For example, Arnold & Porter worked with the Raiders in their recent antitrust case against the NFL. For the majority of these firms, sports are a very small part of their business. The teams and leagues are just another client. Merchandisers like Nike and Reebok have large groups of attorneys in house to handle issues like trademark licensing and general employment law. In-house attorneys at broadcasters like ESPN or Fox Sports deal with television and radio

contacts, as well as first amendment issues that a non-sports news organization must deal with. Aside from player representation, large agencies like IMG hire attorneys to provide management consulting to corporations involved in or looking to become involved in sports. Events like golf and tennis tournaments have attorneys that handle a range of corporate legal issues like any in-house counsel. Architecture firms have attorneys that work with local zoning boards when doing stadium deals. The range of companies that have some relationship to sports and a need for lawyers is virtually endless.

The lifestyle and working environment for lawyers in this group is no different than the lifestyle of any in house or big firm corporate attorney. The only difference is the subject matter. One attorney I spoke with said it best. "My job is the same as any other lawyer in the office. The only difference is the fact section of the briefs I read mention something about sports."

Now that I have discussed the ins and outs of the world of sports law I would like to conclude by passing along the advice I have received from those who bestowed this information upon me. First, last and in between, become a good lawyer. Your job is the law, not to be a fan. If you want to be a fan, buy season tickets. You can love a team and have a passion for a sport, but you get hired because you have a strong legal mind. Jobs are scarce in the industry and almost no

employer in sports will hire you straight out of school. That means you need to prove yourself and gain legal training at a firm or in some other way before you can make the move. Even with experience it is not easy to break into the field. You have to be proactive and make connections in the field. Network, network, network. Do informational interviews. Go to panel discussions.

You can love a team and have a passion for a sport, but you get hired because you have a strong legal mind.

Join the Sports Lawyers Association or the Bar Association's Sports and Entertainment group. Get a subscription to a trade periodical like Street & Smith's Sports Business Journal

to improve your knowledge of the sports industry. Be flexible in where you want to live. There are very few job openings (most are on the east coast) and if you pass up a chance because you do not want to move, you may not get another. Have a passion for the sport/team/law because you will work long hours for little pay (compared to many of you classmates). If you do all of the above and find yourself in the right place at the right time, you may just land your dream job. I am by no means an expert in this field. I am just a law student with a sincere desire to find the career satisfaction that every person who works in sports law has – the career satisfaction that comes from a dual love of sports and a love of law. "So you want to be a sports lawyer?" I hope this helps, and best of luck.

Write for the Law News

Submissions and article ideas should be e-mailed to lawnews@uchastings.edu or dropped in the Law News submission box in the SIC.

Setting the Record Straight:

The article that appeared in last month's issue entitled "Long Road to NYC Marathon" was written by Beverly Dale, IL.

Ninth Circuit Finds "Three Strikes" Cruel & Unusual

by Abe Mertens, 2L

For the first time,* a federal appeals court ruled that California's repeat-offender statute was unconstitutional as applied to a specific defendant.

In a 2-1 decision written by Judge Richard Paez, the Ninth Circuit Court of Appeals held that the state's application of the Three Strikes sentencing law violated the Eighth Amendment's ban on cruel and unusual punishment. As applied to the repeat-offender, who was convicted of stealing \$150 worth of video tapes, the Three Strikes law resulted in a sentence of 50 years to life in prison.

The Ninth Circuit stated that their conclusion "resulted from an unreasonable application of established Supreme Court precedent."

The ruling in *Andrade v. Attorney General*, 2001 WL 1346065 (9th Cir.(Cal.)), does not overturn California's Three Strikes law, but it may serve as a barrier against particularly harsh applications of the law. Judge Paez, joined by Chief Judge Mary Schroeder, wrote, "the Eighth Amendment does not permit the application of a law which results in a sentence grossly disproportionate to the crime."

Judge Joseph Sneed, writing in dissent, argued that although the 50-year sentence was severe, it was "mandated by the citizens of California through the democratic initiative process and, additionally, legislated by their elected representatives."

In reaching the conclusion that Andrade's sentence was unconstitutional, the Ninth Circuit had to reconcile the standards applied in three Supreme Court cases dealing with the Eighth Amendment.

The Court's decisions in *Rummel v. Estelle*, 445 U.S. 263 (1980) and *Solem v. Helm*, 463 U.S. 277 (1983) established a 'proportionality' test that requires a reviewing court to measure three factors: (1) if a punishment seems disproportionate to the severity of the crime; (2) how the punishment compares to sentences imposed on other criminals in the same jurisdiction; and (3) if the sentence imposed compares against sentences for the similar crimes in other states.

In *Harmelin v. Michigan*, 501 U.S. 957 (1991), a plurality

articulated a revised test. The Court held that the Eighth Amendment does not require a strict proportionality standard; rather, it forbids only extreme sentences that are grossly disproportionate to the crime.

Judge Paez wrote that the test articulated in *Harmelin* does not represent a different analytical framework than that of *Solem*. He wrote, "*Solem* remains good law after *Harmelin*, recognizing that we need not consider *Solem*'s second and third prongs if we conclude under the first factor that a defendant's sentence does not raise an inference of gross disproportionality to the crime."

The Ninth Circuit then applied the *Solem* factors to the Andrade's sentence. The court determined that Andrade's sentence was exceedingly harsh because it was significantly greater than sentences for many violent crimes in California and was also one of the only cases featuring a sentence of 50 years to life for a non-violent recidivist under the Three Strikes law.

In addition, the Ninth Circuit stated that California's Three Strikes law contained a "unique quirk," unlike the 40 other states in the country with laws that increase sentences for recidivists, which allows a potential life term for this type of non-violent offense.

Although four justices of the Supreme Court, in *Riggs v. California*, 525 U.S. 1114 (1999), *cert. denied*, expressed interest in reviewing this 'unique quirk,' Hastings Professor Rory Little stated that the facts of this case make it unlikely that the plaintiff or the government will seek review either by an en banc panel of the Ninth Circuit or by the Supreme Court.

However, Little stated that the Ninth Circuit, in an attempt to allow the Supreme Court to address the issue, has agreed to review a consolidated appeal of Three Strikes convictions resulting from minor crimes.

*On February 7, the Ninth Circuit again overturned an application of the Three Strikes statute; in this case, the law resulted in a sentence of 25 years to life for shoplifting. The unanimous ruling may affect hundreds of California inmates who were convicted of shoplifting as a third strike.

The State has since appealed this ruling to the U. S. Supreme Court.

A Musing Commute

by Art Macomber, 2L

I can't believe how hard it is to be Liberal these days. In the old days, Liberals had the quaint notion that equal opportunity was all that was necessary for unequal conditions to be obliterated, for we thought minorities had the power to pull themselves up by their bootstraps. The Reverend King believed this, and we enshrined these principles into law. But then, we Liberals took the big government pill; people stopped believing in each other so we decided to accomplish our ideals with force. This poor old Liberal had to give up equal opportunity for equal outcomes, enforced by Court fiat and guns. What is Left to a good Liberal now?

We used to be idealistic about JFK's Peace Corps, through which young Americans traveled the globe eradicating illiteracy, providing health care, teaching basic math and science, distributing food, and immunizing children. Today, all this is seen as the vicious spread of Western imperialism. Protesters fight tooth-and-nail to stop Nikes from being made in the Far East, where labor conditions do not mirror Detroit's. Does a Liberal now have to climb into bed with Pat Buchanan? And, if women overseas do not receive government-funded knowledge about abortion, we modern Liberals must bemoan the current administration's lack of imperialistic vision. Can't we at least keep some of the old imperialism, we cry?

I wanted to be a modern environmentalist, until I read that the State of Washington banned the use of traps for fur-bearing animals. Now, to destroy the impact of these pests on lawns and golf courses, we use gasoline, noxious sprays, urine, and other concoctions. What is a noble Liberal to do when we can't save the Coho Salmon because Native Americans must be able to practice their traditional fishing techniques - including ocean whale hunting? I considered practicing my European heritage's traditional hunting practices, but hunting Native Americans is something I can't condone. As a Liberal, I just can't support saving all cultural heritage - only ones that I agree with and can get federal funding to save. Anything private is ipso facto corrupt; i.e., property rights are not

human rights. Unfortunately, history shows that securing human rights originated in securing private property rights. What is Left, when a Liberal, to be Progressive, must abandon history?

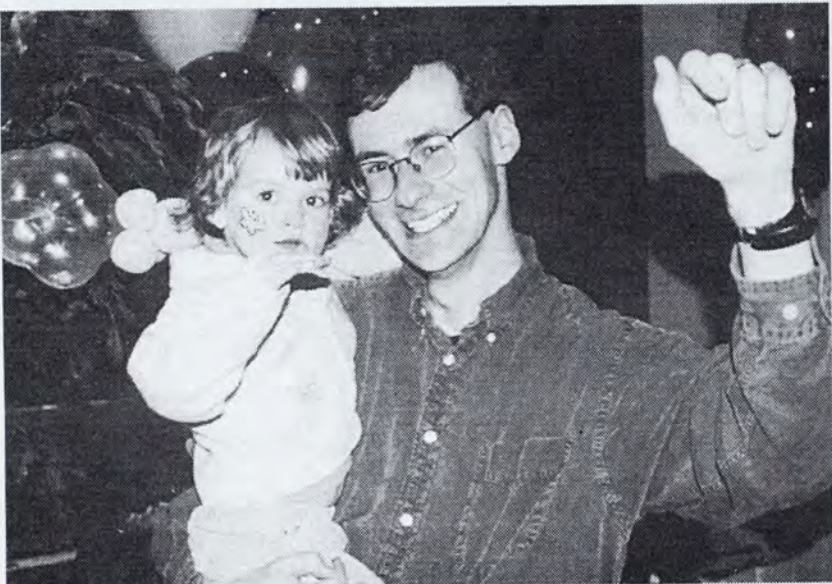
I wanted to support Native American sovereignty, so that tribal businesses could sprout and indigenous people could get off the BIA's mismanaged welfare. Hell, the BIA can't even manage a website firewall. However, legalized gambling is an extremely regressive business, luring financially-challenged people to squander their life savings on the altar of the fast buck. So, can I deny the Native American a chance to get his share of the pie, if that share comes out of the mouths of the poor? A conscious Liberal could not support that. But if I don't support gambling, the government-run lotteries may not have the cash to support state-run compulsory education. Should a good Liberal be concerned that the government lotto people defrauded participants by selling tickets past the time the prizes would be available? Why can't a noble government monopoly do good things well? Why do they test my Liberal religious faith in big government?

I used to support compulsory public education. After thirty years, should I get tired of the screams for more money while the quality of the product is completely flushed away? Just look at the San Francisco Unified School District - I rest my case. Is it noble that our schools are Left behind?

My Liberal "big tent" political philosophy is now so big that I can hardly tell what a Liberal is supposed to stand for anymore. I mean, when it is PC to disallow any dissent from Liberal values, where is the freedom? I simply can't stand it. I do know that noble Liberals can stand tall and proud about building up big government. The government has never been so big, never run so many institutions, and never had its finger in so many pies - or pockets. This is something a Liberal, such as myself, can take to the bank (if I have any spare change). May I please feel good now, or do I have to get over this confusion first? Next month: Why do they make it so hard to be a Conservative?

NOTE: Art Macomber tries not to be Left in the dark.

Cabaret



Trial Team Starts on Road to Nationals

by Professor Terry Diggs

Tough criticism, daily practice sessions, and strained nerves: What's not to like? Remarkably, the members of Hastings' Spring 2002 Trial Team actually enjoy the task they've set for themselves, creating a rock-solid litigation background that tells future opponents and potential employers that they're ready to win cases now—not after five years of carrying their bosses' briefcases. Organized in 1999, by four students determined to boost their litigation experience, the Trial Team has since received official Hastings support and sponsorship.



Fall 2001 Trial Team members crushed former national champion Southern Methodist University before refueling at Santa Fe's Plaza Café. Left to right: Jimmie Johnson, Jason Riehl, David Rencher, Rohini Bali and Joshua Kurtz.

That support has allowed Hastings students to compete for four semesters against championship teams in national contests, including the National

Association of Criminal Defense Attorneys.

The NACDL sponsors a criminal trial competition that was held

last November in Santa Fe. In this year's competition, the Hastings team made a strong showing against stiff competitors, crushing former-national champion Southern Methodist University and going head-to-head against the University of Alabama, another national title-holder and the NACDL's ultimate winner. On February 15th, the Spring 2002 team travels to Portland, to compete at the regional round of the National Trial Competition, a contest widely considered to be the country's pre-eminent litigation tournament. Winners of the regional contest proceed to the national finals held in Austin in April, an event that draws the attention of law schools and litigation firms from coast to coast.

These days, trial team members realize that if they're going to out-litigate a dozen teams from Northern

See Trial Team..... Page 7

Trial Team.....From Page 6

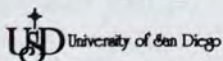
California and the Pacific Northwest, they're going to need plenty of moral and tactical support. For that reason, team members are extending an invitation to the Hastings community: "Join our team!" To that end, the team plans three open practice sessions that will give everyone on campus an opportunity to see evidence rules and trial ad strategies up close and to get answers to litigation-related questions.

Over the last two Fridays, February 1 and 8, the Trial Team took on its coach (Prof. Diggs) in a "grudge" match that allowed team members to avenge some of the long hours and harsh criticism of the last few months. During the first contest, the team defended against a Diggs prosecution in a civil case that features all the aspects of a criminal prosecution involving homicide, self-defense and prior violent acts. On February 8, the team switched sides to be prosecutors/plaintiff's lawyers in the same case. The trial also featured interesting questions of character evidence versus non-character evidence per FRE 404(b); hearsay; the introduction and use of diagrams, photographs and contracts; and arguments based on complex jury instructions. The team provided written information about the problems covered, and Professor Diggs was on hand to answer evidence and advocacy questions from the audience.

On Tuesday, February 12 (time and place to be announced) the trial team will hold a full-scale open trial, pitting plaintiffs against defendants in what will be the team's final practice before the Portland competition. Again, team coaches will be on hand to get audience feedback and to answer questions about litigation strategies and skills. Why endure unrelenting training sessions and a schedule that makes "home life" seem like a distant memory? Trial Team founder Alex Saksen (Class of 2000) says that national competition was essential preparation for his job as a Pittsburgh prosecutor. Former team member Ray Mueller (Class of 2001) attributes his position in a prominent East Bay litigation firm to Trial Team contacts. But what are Spring 2002 members—Rohini Bali, Jimmie Johnson, Joshua Kurtz, and Jason Riehl-taking away from the all the work? Come to a practice session and ask them!

SUMMER LAW STUDY

in
Barcelona
Dublin
Florence
London
Moscow
Oxford
Paris
San Diego



FOREIGN LAW PROGRAMS
SCHOOL OF LAW
5998 Alcalá Park
San Diego, CA 92110-2492

e-mail: clking@sandiego.edu
fax: 619/260-2230
<http://www.sandiego.edu/lawabroad>

Robbin' The Nail

By Emmett Seltzer, 2L and Sean Welch, 2L

Welcome back! Here are a few things currently circulating that you might be interested in:

Upcoming State Bond Measure on the November Ballot

Governor Gray Davis is making plans to combat the current recession by targeting money for constructing new (and upgrading current) state infrastructure through a 30 billion dollar bond fund. The bond fund would be implemented through three separate \$10 billion bonds, the first of which should be on the November 2002 ballot. Currently, state legislators are fighting over just how big this bond should be.

You are probably asking yourself, "What the hell does this have to do with me?" Well, this could mean more money for Hastings. The University has requested funds for upgrades for the 200 McAllister building. These upgrades will include retrofitting, upgrading the heat, air conditioning and ventilation system, bringing the building up to code for Firelife safety, and making the building compliant with the Americans with Disabilities Act. We know that this does not exactly make Tower residents, waiting for elevators that will never arrive, jump for joy, but under California law, state funds cannot be used for auxiliary purposes. Parking structures and student housing are considered auxiliary and must be self-sufficient.

The State Department of Finance has approved \$831,000 for the planning process of the 200 building upgrade. Planning will begin in January 2003 with construction beginning in July 2004, at the earliest. The total cost of the upgrade will be around \$20 million dollars. The hope is that during the upgrade the library can be greatly improved.

David Seward, Chief Financial Officer of Hastings, said that the goal is to try and include the improvements to the library as part of the upgrades. However, Seward is not confident that the state will approve these "extra" funds.

The library has not seen any major renovation in over 20 years. Of course, this is apparent in every inch of the library's dirty, orange carpet and peeling Formica. One 2L said that they would welcome the improvement because the lighting in the library is "worse than a darkened theater."

Alternatively, if the state does not ante up the funds, private sources are being considered for improving the library. Seward said that the school is pondering renaming the library in honor of some generous donor that steps forward. Any takers?

ASUCH Student Survey

Each spring, ASUCH conducts a student survey to determine how students feel about the quality of campus services and school sponsored events. RTN recently got a hold of the report from last year and felt it was too good to keep to ourselves. There were 169 responses to the 2001 Survey, which asked students to rank a variety of campus services from 1 to 5, 1 being poor and 5, excellent. Overall, it appears students are actually fairly happy with most services, giving Student Health Services an overall score of 3.50, Career Services an overall score of 3.58, and Library Services a composite score of 3.53. Bookstore customer service and Health Services "Nurse's Care" scored the highest marks at 4.23 and 4.10 respectively. Other standouts were the Law Café's quality of service (4.08) and Career Service's customer service (3.87). On the other end of things are the Escort Van Service (1.28), Grade Distribution (2.46), and the Outline Bank (2.67). But the real good stuff is in the actual student comments. (RTN had no idea students had so much to say about Beer on the Beach.) Here are a few of our favorites:

- 1) Beer on the Beach Bad: "Subsidizing the alcohol-fueled transmission of venereal diseases is not an appropriate use of my student activity funds."
- 2) Beer on the Beach Good: "Free Beer, no more need be said."
- 3) Beer on the Beach Bad: "[B]eer on the beach is a terrible idea. The school should not be encouraging alcoholic consumption and drunkenness, which is known to cause hundreds of traffic accidents, domestic abuse, and unborn baby developmental problems. I have never and will never attend."
- 4) Beer on the Beach Good: "More Beer."
- 5) Beer on the Beach Compromise: "Aside from the fact that we act like High Schoolers, it's great."
- 6) Quality of Doctor's Care: "I'm never really sure he knows what he's doing, but he's very nice."
- 7) Quality of the Outline Bank: "They're soooooo OOOOOLD!"
- 8) Quality of Law Café Employees: "They smell nice."
- 9) Financial Aid Processing: "They make errors like rabbits make babies."
- 10) Favorite Suggestion that will NEVER happen: "A skyway between the 198 and 200 buildings."

Yum, Minty

Okay, so maybe the majority of Hastings students are okay with ASUCH spending our activities fees on streamers and balloons to make the LBM Lounge look like a junior high school gym on grad night, but how about throwing a couple of bucks toward the "urinal mint" fund. The topic is not pleasant, but someone has to tackle it.

Public bathrooms, by nature, are disgusting. Especially men's rooms. But the permanent odors in the bathrooms in the 200 building are approaching "Comer of Hyde and Golden Gate" status. Can we get a couple of urinal mints in there? How much would that set us back? No, a better question is how long can we afford not to deal with the issue? One 3L recently reported being temporally knocked out by the overwhelming odors. Well, that's a bit of a stretch, but you get the point. And let's not forget that these are the same bathrooms that are used by potential donors when they visit the newly renovated Alumni Reception Center.

Yah, yah, whatever, it was a light news month and Ed needed our story... As always, your comments, suggestions, threats and recipes can be sent to rtn@uchastings.edu.

Arts & Entertainment

In Lieu of Cursing St. Valentine...

by Brooke Goolsby, 2L

Face it, Valentine's Day sucks. If you are single, you are reminded of it with every red heart plastered on every storefront window. If you are dating someone, it causes all sorts of problems - anywhere from instigating the premature "talk" to agonizing over what to do or what to get your significant other (or worse, realizing that you didn't plan anything when you should have). The stress of getting a gift, making plans, and wondering "just where this relationship is going" is enough to push an already stressed out law student over the edge.

But in my attempt to develop a better attitude about the worst made-up Hallmark holiday ever, I have put together suggestions for every level of romance, from first date to the marriage anniversary, at every price range. Some of these places I have been to personally, some are recommendations from friends. Whatever you decide to do, remember to have fun spending time with the people you care about.

"Taste"

by Alex Sood, 2L

SORTING THROUGH THE RUBBLE

The venerable editors at Wine Spectator have compiled their much anticipated "Top 100 wines of the year." These, the most "exciting" offerings from around the world are ranked, dissected and evaluated along strict criteria. They are graded for taste, opulence, color, "trueness" to the varietal, region, and terroir. They are compared by history, brand, reputation and price. They are value wines, blockbusters, up and comers and tributes to their winemakers. The wines that are chosen as "wine of the year" are destined to have their resale price vault through the roof, leaving the release price as only memories for the clamoring consumer. But are the

First Date/Friends

Exploratorium/Tactile Dome

Dating timeline: This is your first to fifth date, or you're "just friends," but are trying to jump that hurdle.

Costs: Student \$7.50; Adult \$10.00;

Tactile Dome \$14.00

Why it's a good date: If you and your date are curious about anything and everything, the Exploratorium has the answer. For example, if you have an unhealthy fascination with death, you can spend hours gazing at rodents

in varying degrees of decay. If you are slightly better adjusted, there are plenty of less morbid exhibits. I haven't seen it, but there is also a Film Making exhibit that has been well reviewed.

But what I really suggest is splurging on the Tactile Dome. It is a funny looking dome in the back of the Exploratorium that is actually a pitch-black maze. As you and your date crawl through the tunnels, you can only use your hands to guide you and determine the identity of the random objects placed throughout the maze. This is perfect if you want to escalate your "friendship" to "relationship" as the close quarters allow for scared clutching and innocent groping in the dark. And if you are hoping for a little privacy for a clandestine smooch, there is a little red-lit alcove near the end, right before you slide into a pile of dried fava beans and out to tackle the maze again. Warning: the staff of the Tactile Dome monitors the audio portion of your journey via hidden microphones.



The mountaintop setting at Fogarty Winery has sweeping views of the San Francisco Bay Area even when the rest of the world is shrouded in fog

Wine Spectator's picks accurate? Are they good? And, dare I question, are they reliable? Taste will dissect this year's "most exciting wines," selecting the years only true "must haves."

At the mercy of the Wine Spectator no more, nor at the mercy of the wine shop salesman who is urging you into this year's "blockbuster gem," or this "great value wine you just have to try." Now, you are armed with the information you need to avoid these pitfalls. No. You will know exactly what you are looking for, and exactly what you are getting. Buy with confidence - you are now "in the know."

So, which are the truly "must have" wines of the Wine Spectator's top 100? Using "professional" criteria of regional credibility, quality in excess of past vintages, flavor-depth etc., we will find those truly impressive wines. But we will also use criteria that we

can all appreciate - availability, price, value, number of cases produced and overall appeal. It is these things that make a wine great. Any of us can go to a wine store and pick out an '82 Petrus, or any '97 Napa Cab. But truly great wines are much more difficult to come by and require analysis of many factors. Wines with releases of 1,500 cases, wines that are going to be impossible to find anywhere, or will sky rocket in price, are of little use to the general consumer, (let alone a law student). We will focus on what is truly great in this year's "top one-hundred." And here they are; Happy hunting:

- #3 Viader, Napa Valley. 1998. \$65
- #6 Antinori, Bolgheri Superiore, Guado al Tasso. 1998. \$65
- #8 Alain Graillot, Crozes-Hermitage. 1999. \$19
- #10 E. Guigal, Cote-Rotie Brune et

- Blonde. 1998. \$38
- #11 Chateau Levangile, Pomerol. 1998. \$143
- #16 Chateau Ste. Michelle, Chardonnay, Columbia Valley, Cold Creek Vineyard. 1999. \$28
- #19 Chateau La Mission-Haut Brion, Pessac-Leognan. 1998. \$108
- #24 Landmark, Chardonnay, Sonoma-Santa-Barbara-Monterey Counties, Overlook. 1999. \$25
- #38 Allegrini, Verona, Pallazo della Torre. 1997. \$18
- #40 Columbia Crest, Chardonnay, Columbia Valley, Grand Estates. 1999. \$11
- #42 Wolf Blass, South Australia Gold Label Riesling. 2000. \$12
- #44 Beringer, Chardonnay, Napa Valley, Private reserve. 1999. \$35
- #71 Franciscan, Oakville Estates, Magnificent Napa Valley 1997. \$35

See Valentine..... Page 9

See Taste..... Page 9

Valentine.....From Page 8

Essential Information: Located at the Palace of Fine Arts in San Francisco; for directions go to www.exploratorium.edu; Open Tuesday through Sunday 10 a.m. to 5 p.m. (9 p.m. on Wednesdays) Make reservations for the Tactile Dome.

Parkway Speakeasy Theatre

Dating Timeline: Friends, first few dates, or you have a bunch of people with a potential love connection thrown in.

Cost: Inexpensive

Why it's a good date: Second-run movies, pizza and beer, couches. It doesn't get any better than that. Perfect if you live in the East Bay.

Essential Info: 1834 Park Blvd., Oakland, CA at 18th Street one block from Lake Merritt; 510.814.2400.

Long-term relationship**Fogarty Vineyard**

Dating Timeline: Anywhere from 6 months to marriage.

Cost: Nothing for the view, \$5 for a tasting (includes a wine glass)

Why it's a good date: It's got the view and the wine of Napa without the crowds. **Warning to men who do not want their girlfriends to think about planning a wedding - She won't be able to stop herself.**

Essential Information: 19501 Skyline Blvd.; Woodside, CA 94028; 650.851.6777; take a tour of the winery online at www.fogartywinery.com. Take I-280 South, exit Woodside Road following signs to La Honda. At top of hill, turn left on Skyline Blvd. Look for the Fogarty Vineyard about 2-3 miles down Skyline.

Make it a day: On your way to Woodside, stop at Roberts Market (Take Woodside Road Exit to the right from I-280, it's at the intersection of Woodside Rd. and Canada Road) and pick up sandwiches. Then head up HW 84 (straight on Woodside road), following the signs to La Honda. At the stop sign, turn right on Skyline Blvd. to El Corte de Madero Open Space Reserve (2 1/2 to 3 miles). Park on the right and eat lunch at the Vista Point. When you are ready to hike, cross the street and head to the trailhead down the road on the right. The easy six-mile round trip hike leads you to interesting sandstone formations. After your hike, go back down Skyline Blvd. past HW 84 to the

Fogarty Vineyard for some wine.

John Bently's Restaurant

Dating Timeline: You're married, want to propose, or are independently wealthy and want to impress.

Cost: Expensive

Why it's a good date: It's a classic Valentine's Day date. Start the evening off with a trip to the Fogarty Winery and then head down to John Bently's for dinner. The restaurant operates inside of a little red school-house. It only holds a dozen or so tables, so be sure to make a reservation. The contemporary American food is excellent, but expensive. The menu includes bread with an eggplant, garlic and tomato spread as an appetizer, a baby spinach with pear and gorgonzola salad, and for the main course, a plump, juicy breast of capon, venison medallions cooked rare with a tangy lingonberry sauce, or a light, fresh Alaskan halibut.

Essential Information: 2991 Woodside Rd.; Woodside, CA 94062; 650.851.4988 **Reservations are needed

Alternatives: If you want to go to the Fogarty Winery and dinner, but don't want to spend all of your loan money, try these less expensive restaurants in Woodside: Buck's Restaurant (3062 Woodside Road; 650.851.8018; (in)famous for being the birthplace to many Silicon Valley start-ups) or The Woodside Bakery and Cafe (3052 Woodside Road; 650.851.0812).

Somewhere in between**San Francisco Zoo- 13th Annual Valentine's Day Sex Tours**

Dating Timeline: 5 dates to 6 months

Cost: \$50 per person; \$100 for the early evening Tour on Feb. 14.

Why it's a good date: Do you want to know how Giraffes neck? Ever wonder how Rhino's do it? If you answered yes, then the Valentine's Day Sex Tour at the Zoo is right up your ally. This entertaining, educational event is conducted by an Animal Care professional and includes a 2-hour private tour aboard a tram and an exclusive indoor presentation featuring up-close encounters with animals. Refreshments and champagne are also served. And after the tour, you can wander around the Zoo at your leisure. Reservations are a good idea and the tour is limited to adults 21 and over.

Taste.....From Page 8

#73 Paul Jaboulet Aine, Crozes-Hermitage, Les Jalets. 1999. \$14

#76 Penfolds, Shiraz, Coonawarra, Bin 128, 1998. \$22

#84 Quinta do Noval, Late Bottled Port. 1994. \$21

But this leaves the issue of the "Wine of the Year." Which is it? Wine Spectator declares Tenuta dell'Ornellaia, Bolgheri Superiore,

Essential Information: The tours run on February 9, 10, 16 and 17 at 9 a.m. and 3 p.m. and February 14 at 9 a.m. and 4 p.m. For more information call 415.753.7080 or e-mail specialevents@sfoo.org.

Fitzgerald Marine Pool, Moss Beach Distillery

Dating Timeline: You are in the nebulous, "are we boyfriend/girlfriend?" stage but you want to spend the entire day together.

Cost: Marine Pool is free; Moss Beach Distillery is moderately priced.

Why it's a good date: First, you enjoy the beautiful drive down HW 1. Then, at the tide pools, you can check out tons of starfish, sea anemones, sponges, urchins, crabs, and various other marine life. You can also walk on the beach and watch the sunset. After an afternoon spent at the beach, you can either head home for a cost-free Valentine's Day or go to the Moss Beach Distillery for dinner. The restaurant offers local seafood and is a unique spin on the classic brewery.

Essential Information: To get there, take HW 1 past Pacifica and Montara into Moss Beach and follow the sign to Fitzgerald Marine Pool (Right). Moss Beach Distillery is located at 140 Beach Way, right off HW 1; 650.728.5595.

If you hate St. Valentine or at least the Hallmark executive who came up with the idea of mass marketing it as a day of love and all the crap that goes with it, head to your local Blockbuster and rent every movie made offering conclusive proof that relationships not only never work out, but might even be dangerous. My picks: *Fatal Attraction*, *Carrie*, and *War of the Roses*. Or, head out to Bluelight at Union and Octavia in San Francisco. The \$1 tacos and beer are sure to cheer you up. Who knows, you might even get lucky.

Ornellaia (1998) as "Wine of the Year." It is the "embodiment of the modern renaissance of Italian wines," they declare. Is it? Well yes and no. This is a phenomenal wine. It has all the intense fruit, the acidity and the polish you would expect - and it has more. It is a thick and dark wine with characteristics of a Lynch-Bages, or a Mouton-Rothchild. It is, in a word, stunning. But can this be called the wine of the year? The fact is that many would argue that the 1997 was a better vintage. That is a problem, as the 1997 was only ranked at #9 for the "top 100 of 2000" by the Wine Spectator. However, '99 was a better vintage, producing outstanding Italian, and probably the best ever California vintages.

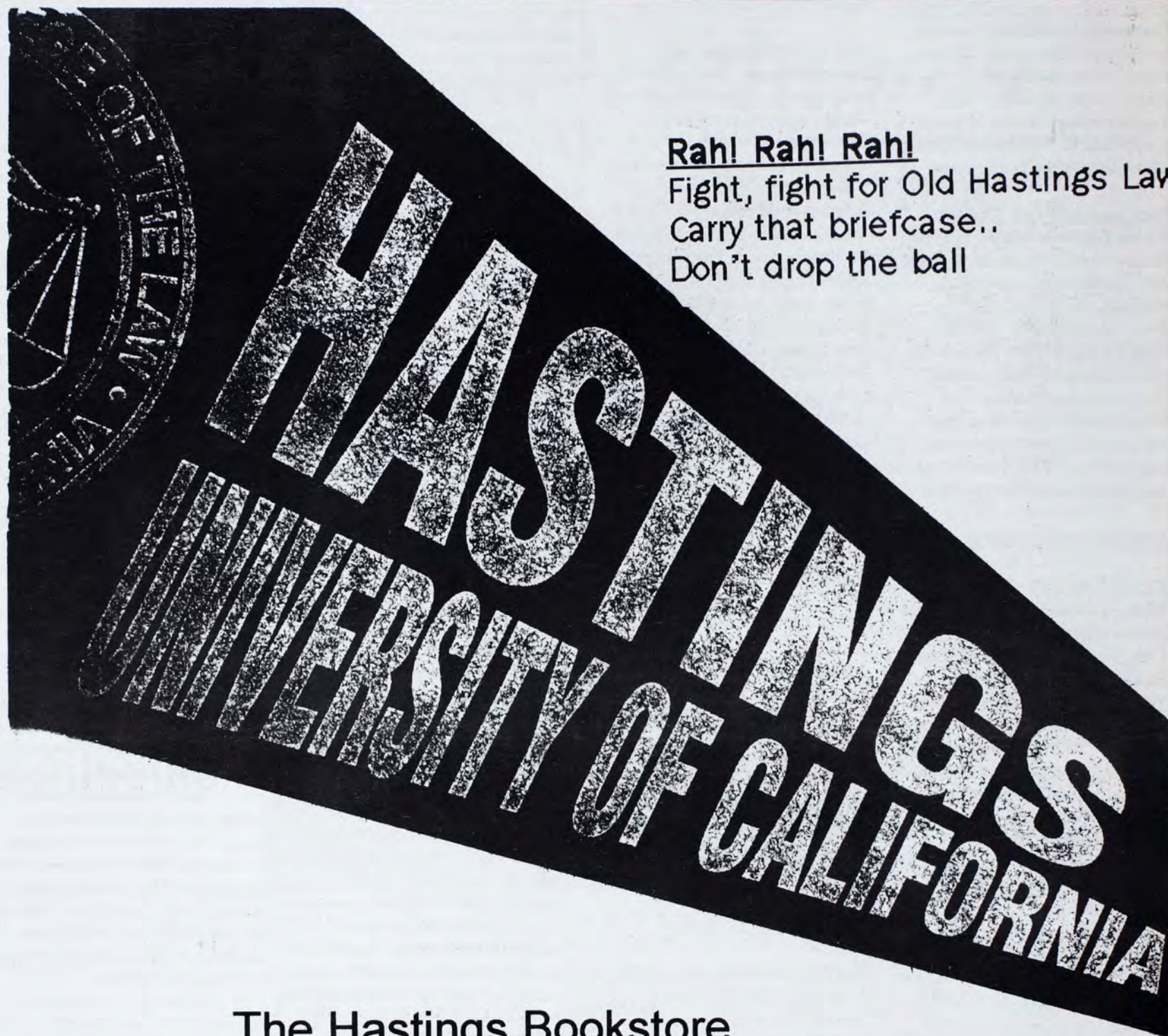
So is the competition simply less intense this year? Probably. Very few regions produced exceptional wines in 1998, which was the bottling vintage that most of the competitors were releasing. Napa and Sonoma had trouble following up on the blockbuster 1997 vintage, especially for the Cabs. European performance was stellar in some areas and abysmal in others. Washington had a great Pinot year, but the lack of complexity in that grape precludes it from winning honors in a competition dominated by the fuller bodied varietals.

Given these things, perhaps another wine should have been selected. Despite the weaker competition overall, it seems wrong to give top honors to an inferior vintage from a great producer. There were wines out this year, which were truly fantastic (and far better than the recent vintages from the same vineyards).

Personally, I would have selected a 1998 from Pomerol, a small French region that has always produced 90+ wines. Taste's wine of the year: Chateau L'evangile, Pomerol, (1998). A fantastic wine for the vintage at a reasonable release price of \$143. For comparison's sake, the release for the Chateau le Pin, Pomerol 1998 was \$660. The release price for the Petrus was \$550. The L'evangile is outstanding and, without the stoic reputations of the other two chateau's, it becomes a "bargain wine" at this price.

NEXT MONTH

Confused about wine labels? Taste goes through the ABC's of reading a wine label. Know what your getting, what your paying for, and why. Also, the best places in SF to get...



Rah! Rah! Rah!

Fight, fight for Old Hastings Law
Carry that briefcase..
Don't drop the ball

The Hastings Bookstore

**Congratulates Moe Keshavarzi & Joel Muchmore
for winning the National Moot Court Competition
(winning in the finals over UCLA)
THE NATIONAL CHAMPIONSHIP**

The bookstore announces a contest in their
honor: win \$150.00 by writing a fight song
(to the tune of "Fight, fight for old Notre Dame")
for Hastings Law.

check the bookstore
for details

Editorial

Light v. Heat in Modern Politics

September 11 has shown us that government is no longer irrelevant. Indeed, it is now thought of as *our* government rather than *the* government. However, our underlying cynicism and frustration toward our government has not disappeared. And, as a result, many political pundits proclaim that the 2002 election cycle will be devoid of mudslinging. The people won't stand for negative campaigning any longer.

Historian Arthur Schlesinger, Jr. agrees. "Americans are more likely to take politics more seriously than they have done for a long while," he stated recently. "Voters will demand that their leaders take politics seriously too — which may well mean a turning away from cynically negative campaigns toward a decent respect to the opinions of mankind."

From the looks of the Adachi-Burton debate on Tuesday and the Davis-Riordan gubernatorial spots on television, somebody forgot to tell the politicians. Of course, the consultants tell us that it is our fault; that is, voters get the negative, mean-spirited, issue-less campaigns they deserve. Most consultants believe that the public lack a general knowledge of the issues and could care less about informed voting. Little wonder, then, that a big majority of consultants says it's the public's fault that campaigns turn sour.

Modern politics is a collection of one-on-one, winner-take-all campaigns that inevitably boil down to a zero-sum choice of "if you lose, I win." While winner-take-all elections have always been with us, most believe they are now distorted by opinion polls, focus groups, slick TV ads, "push polling" and high-priced consultants who have mastered the science of mudslinging. Isn't it easier to drive the key "swing voters" away from opponents than attract them to yourself? Oh for the days of Lincoln and Jefferson.

The fact is, the good old days were filled with mudslinging. Sure, Washington ran unopposed for all intents and purposes, but the fight between Adams and Jefferson to assume the presidency was as dirty as they come. Adams disparaged Jefferson, calling him an atheist, a coward for not fighting in the revolution, and a pawn of the guillotine-happy French. Jefferson responded by proclaiming that Adams planned to tear up the Constitution and proclaim himself King with his two sons to serve as crown princes.

John Quincy Adams (the crown prince) and Andrew Jackson had it out 28 years later. Jackson labeled Adams a pimp, drugged up the same aspirations of royalty and accused Adams of gambling with taxpayer money. Adams, not to be outdone, produced literature that proclaimed Jackson's mother to be a prostitute and "married to a mulatto man, with whom she had several children, of which number General Jackson is one!" The list goes on with battles between Harrison and Van Buren, Frémont and Buchanan, Tilden and Hayes, and Cleveland and Blaine.

Historians believe that the World War I forced the voting populace to see that the Presidency had suddenly become far more important, demanding a dimension of global leadership. Radio, vaudeville and motion pictures gave the people something to redirect their attention. Traditionally partisan newspapers, which had all too freely printed inflammatory accusations, suddenly had to deal with an increasingly sophisticated public and increasingly active courts.

So where does that leave us? Apparently right back where we started. The sharp negative exchanges at the debate between Burton and Adachi certainly surprised a number of people. Both are qualified. Both appear dedicated to defending justice. But both are fueling the fire in what appears to be a knock-down drag-out fight to the finish. While the absence of any negative attacks may not change the outcome, it will certainly become the lingering memory of the campaign. True, some of the comments in Tuesday's debate were issued-based rather than personal attacks, however, the net effect is that the exchanges are closing this last month of the campaign on an extremely negative note. Obscured will be the totality of the strong, issue-oriented campaigns that were waged in the diverse neighborhoods of San Francisco.

The Hastings Law
News Editorial Staff
Congratulates
Moe Keshavarzi
Joel Muchmore &
Rob Hodil
for winning the National
Moot Court Competition

Each candidate showed signs of substance, thoughtfulness, and each candidate adds a unique perspective to the office of the Public Defender. The candidates have released numerous statements on substantive issues facing this city and the office — from juvenile justice and drug rehabilitation to three strikes and the death penalty — which together constitute a blueprint for action. Little note, however, is being taken of these efforts, either by the media or, in turn, by the public. Too often today, it is heat, not light, that attracts media coverage and dramatically impacts what the public knows of the candidates and the issues. The day after the debate articles covering the Public Defender's race ran in the *San Francisco Chronicle*, the *Guardian*, the *SF Weekly*, and the *Recorder*. Not a single article mentioned the debate nor did any article talk substantively about the issues affecting the race. Substance was only discussed in passing. Instead, each recent article (including this own newspaper) focused on the heat of the campaign, the negative attacks between the two camps and their candidates.

Maybe it is our own fault. History shows us that a lack of sharp criticism contributes only to a low level of media coverage and a large number of undecided voters. If we (the voters) paid attention to the issues rather than the heat, politics can be what it was meant to be, about people. At a time when too many people are turned off by politics, and campaigns are too often run solely in the media, it will be tremendously encouraging to see if people are willing to give their evenings and weekends to get involved this coming November, earnestly believing that they can make a difference. There is still time to demonstrate both the obstacles and opportunities for all of us interested in the vibrancy of our democracy as we engage the challenges ahead.

WESTLAW REWARDS.

Earn merchandise – and win prizes – as you find the law on Westlaw.

Thousands of gifts and prizes available!
Three easy ways to EARN and WIN!

1 Earn Frequent User Points.



Automatically earn Points
 when you log onto
 westlaw.com*; try
 Westlaw® features

or participate
 in selected activities.



WIN IT ON WESTLAW.

Sweepstakes Grand Prize: a 2002 Volkswagen Passat — plus money to pay the taxes!

2 Be an Instant Winner.

When you log off westlaw.com, click the
 WestlawRewards™ Instant Win link*; you
 may find you've won a gift certificate from
 your choice of quality retailers such as
 amazon.com, Eddie Bauer and Starbucks.

Enrollment is easy!

It takes just a minute to enroll in
 WestlawRewards at lawschool.westlaw.com.

3 Win the Sweepstakes.

Each time you log onto westlaw.com*, you automatically
 submit a new entry in the WestlawRewards Sweepstakes.
 Prizes include a 2002 Volkswagen Passat, \$10,000 toward
 law school tuition, a laptop and \$2,500 toward BAR/BRI
 Bar Review.

* Frequent-user point accumulation, instant-win plays and sweepstakes entries are each limited to two times per day – and a maximum of seven log-ons/log-offs per week.

No purchase necessary. Sweepstakes and instant win game begins 8/15/01 and ends 3/31/02. Void where prohibited. For details, see official rules at www.westlawrewards.com. Sweepstakes open to legal residents of the United States and Puerto Rico who are 18 or older and law students at an accredited law school.

WESTLAW REWARDS™

Enroll in WestlawRewards today at lawschool.westlaw.com!

Westlaw

WHERE AMERICA FINDS THE LAW.



WEST GROUP
 A THOMSON COMPANY

© 2001 West Group W-100970/10-01 214061 Trademarks shown are used under license.